

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2011-049)
State Ethics Commission,)
Complainant;)
vs.) **DECISION AND ORDER**
Charles Bamberg,)
Respondent.)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on January 18, 2011. On March 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Charles Bamberg, with violations of Section 8-13-1308(D) and Section 8-13-1110, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was not present, but was duly notice. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charges were considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Charles Bamberg, a candidate for Branchville Town Council, on or about October 19, 2009, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

COUNT TWO
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Charles Bamberg, a candidate for Branchville Town Council, did fail to timely file a corrected candidate's Statement of Economic Interests form before the November 2009 election.

STATEMENT OF FACTS

1. The Respondent, Charles Bamberg, was a candidate for Branchville Town Council in an election held on November 3, 2009.
2. Investigator Choate testified that Respondent, by a letter dated November 12, 2010, was advised that he had failed to file a pre-election campaign disclosure form (CD) due by October 19, 2009. By certified letter dated December 16, 2010, Respondent was reminded that his CD had not been received. By letter dated November 12, 2010, he was advised that a corrected Statement of Economic Interest form (SEI) had not been received and a late filing penalty was being levied. By certified letter dated December 16, 2010, Respondent was reminded that his SEI had not been received. By letter dated January 20, 2011, Respondent was advised that a complaint had been filed against him.
3. Investigator Choate testified that he spoke to the Branchville Town Clerk who provided a new address for Respondent and all correspondence was re-mailed to him. Investigator Choate could not locate a better telephone number, so he was unable to speak to Respondent.
4. Respondent has not complied. The accrued late-filing penalties are \$10,00.00 and remain unpaid.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Charles Bamberg, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8-13-1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1110 requires an annual filing of a Statement of Economic Interests form by all public officials. All candidates must also file a Statement of Economic Interests prior to taking office.

5. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

6. Section 8-13-320(10)(l)

(i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions

of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Charles Bamberg is in violation of Section 8-13-1308(D) and Section 8-13-1110; and therefore, Respondent Charles Bamberg is hereby PUBLICLY REPRIMANDED and a FINE of \$4000.00 is ASSESSED, in addition to the late-filing penalty of \$10,000.00.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320(14), a Judgment in the amount of \$14,000.00 is, and shall be entered against Respondent.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$14,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Charles Bamberg has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 11th DAY OF August, 2011.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA